

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Adilabad District – Issue of Local Scheduled Tribe Agency Area Certificates - Declared as not local Scheduled Tribe by the Collector & District Magistrate, Adilabad vide Proc.No.C3/5044/2010-10, dated 09.04.2012 - Appeal filed by Sri Rathod Ramesh S/o.Dudram R/o.Temlaguda H/o.Devapur village of Kerameri Mandal, Kumuram bheem Asifabad District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 14

Dated: 03-06-2023.
Read the following:-

1. Proceedings No.C3/5044/2010-10, dated 09.04.2012 O/o. the Collector & District Magistrate, Adilabad.
2. Appeal petition filed by Sri Rathod Ramesh S/o. Dudram R/o. Temlaguda H/o.Devapur village of Kerameri Mandal now in Kumuram bheem Asifabad District
3. Govt. Memo.No.1662/TW.LTR/2013-3, dated 04.10.2022.
4. Notice Appeal No.1662/TW.LTR/2013-4, dated 04.10.2022.
5. From the Collector, Kumuram Bheem Asifabad District, letter Rc.No.C2/ 1141 /2019-3, dated 20.10.2022.
6. From Sri Rathod Ramesh S/o.Dudram R/o.Temlaguda H/o.Devapur village of Kerameri Mandal, Kumuram Asifabad District dated 22.10.2022.
7. From the High Court for the State of Telangana at Hyderabad, order in WP.No.600 of 2021, dated 19.09.2022.

ORDER:-

In the reference 1st read above, the Collector & District Magistrate, Adilabad cancelled the Local Scheduled Tribe Agency Area Certificate No.E/225/2009-9, dated 12.01.2009 of Sri Rathod Ramesh S/o.Dudram R/o.Temlaguda H/o.Devapur village of Kerameri Mandal, Kumuram Asifabad District issued by the Tahsildar, Kerameri Mandal of erstwhile Adilabad District.

2. In the reference 2nd read above, the Appellant Sri Rathod Ramesh S/o Dudram R/o Temlaguda H/o Devapur village in Kerameri Mandal (erstwhile Adilabad District) now in Kumuram Bheem Asifabad District has submitted the appeal before the Government under GO.Ms.No.24, TW (LTR.1) Department dated 12.6.2018 contending as follows:

- He is native of Temlaguda H/o Devapur agency village in Kerameri Mandal of Kumuram Bheem Asifabad District. Previously, his ancestors lived in Gurja village in Gudihathnoor Mandal and migrated to Hasnapur village in Utnoor Mandal. From there, they migrated to Temlaguda H/o Devapur village in Kerameri Mandal for livelihood. He was born, brought up and educated in Temlaguda. All these villages i.e. Gurja in Gudihathnoor, Hasnapur in Utnoor and Temlaguda in Kerameri Mandal are agency villages in the erstwhile Adilabad District as per the Presidential Order, 1950.
- Considering the above, the Tahsildar, Kerameri has issued him Local ST certificate bearing No.E/225/2002-9 on 25.5.2002 certifying that he is the Agency Area Local ST of Temlaguda H/o Devapur agency village.
- He has applied for the post of School Assistant (Maths) in Teacher's Recruitment Test – DSC 2008 under Agency Area Local ST category and has been provisionally selected vide Hall Ticket No.19110100932.
- During selection process i.e. verification of certificates, the District Collector, Adilabad has cancelled his Agency Area Local ST certificate in Procgs.Rc.No.C3/5044/2010-10, dated 09.04.2012 citing failure to prove his continuous residence in the Agency Area since 26.01.1950 as required under GO.Ms.No.3, dated 10.01.2000 even after submitting Bonafide and

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Conduct certificate of his father Dudram S/o Rupla of ZP Secondary School, Hasnapur village of Utnoor Mandal. Aggrieved by this, he has filed an Appeal before the Government on 2.2.2013 along with other Appellants viz., Banoth Gopal and Rathod Ramesh which was admitted on 27.2.2013 as C.No.1662/CV.2/2013.

- Government vide DO Letter No.8949/TW.LTR.2/2016, dated 15.11.2016 of Principal Secretary (Tribal Welfare) has communicated their Appeals instructing the District Collector, Adilabad to constitute an enquiry team with Revenue Divisional Officer and Tahsildar concerned along with two officials of Tribal Cultural Research & Training Institute deputed from the O/o Commissioner of Tribal Welfare, Hyderabad which shall complete enquiry at field level including verification of documentary evidences in a month clearly establishing earliest year of their continuous residence and submit report to the District Collector who in turn shall dispose the Appeals within (6) weeks after receipt of the said report and after affording reasonable opportunity to the Appellants to present their case. It was also specifically mentioned in the DO letter that final orders passed are to be submitted to the Government.
- Accordingly, the team was constituted, conducted detailed enquiry into Agency Area local ST status of the Appellant visiting Somlaguda H/o Devapur of Kerameri Mandal on 19.4.2017 and submitted report to the District Collector, Adilabad with the following findings:
 - The team members conducted local enquiry on 19.4.2017 before the villagers of Somlaguda H/o Devapur of Kerameri Mandal wherein the applicant produced certain documents showing their ancestors residential proofs of scheduled area villages within the erstwhile Adilabad District.
 - During enquiry conducted by Tahsildar, Kerameri on 3.2.2018, the villagers have stated that a common ancestor's name of the applicant was Rathod Maniram who died by leaving his two sons namely 1) Dhanjya 2) Rajya and candidate belongs to Rajya family tree, who were residents of Gurja, a notified village in Gudihathnoor Mandal of Adilabad District.
 - Rajya's elder son is Rathod Rupla who is grandfather of candidate Rathod Ramesh. The said Rupla migrated from Gurja to Hasnapur which is also notified village. There he was blessed with (3) sons namely 1) Devuji 2) Mansing and 3) Dudram i.e. father of the candidate.
 - Rathod Rupla, grandfather of the candidate was expired at Hasnapur (notified) village. After his death, his brother Sri Jayaram (i.e. grandfather's brother) brought Dudram from Hasnapur (Utnoor Mandal) to Devapur village in Kerameri Mandal. After death of Jayaram, the habitation where they lived was named as Jayaram thanda H/o Devapur.
 - As per information disclosed by the village elders, it is clear that the ancestors of the candidate are residents of agency villages of erstwhile Adilabad District. The documents produced by the applicant before the enquiry team on the day of enquiry also reveals same information as discussed under:
 - Pahani 1951 – Gurja village – Name of Rathod Dhanjya (great grandfather of applicant) was shown as tenant of land under cultivation of its original pattedar.

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- Kowlnama dated 18.5.1949 discloses Rathod Rupla (grandfather of applicant) held land of one Rathod Tukaram S/o Hammu in Hasnapur village. He was tenant of Rathod Tukaram for some years.
- School Admission Registers, Xerox copy attested by HM ZPHS Hasnapur confirm that Rathod Dudram (father of applicant) was admitted in School (Marathi medium) at Hasnapur at Sl.No.46 of School Admission Register. His date of birth is 09.10.1953 and admitted on 02.06.1957. It speaks about stay of his ancestors in agency village in the erstwhile Adilabad District.
- During 1965-66, father of Dudram along with his paternal uncle namely Rathod Jairam migrated to Devapur (notified) village and their families are now living in Devapur village.
- Candidate produced pahanies for the years 1973-74, 1975-76, Voter list for the year 1977 of Devapur village (Sl.No.335, 336) and also produced Patta Pass Book No.80906 issued to Sri Rathod Dudram S/o Rupla, computerized pahani No.TS00B-B20974738 in Sy.No.7/B1 extent 3.17 acs.
- The other issue that the Tahsildar, Kerameri has not issued Local ST certificate to the candidate is also not correct. As seen from the entries of distribution register for the year 2002 maintained in Tahsildar's office, Kerameri wherein at Sl.No.225 recorded name of Rathod Ramesh S/o Mittu and others. As seen from the concerned file, there is a bunch of applications consisting of (18) applications which was given DR No.225/2002 and while issuing certificates to individuals, number was given as E/225/2002-9 to the candidate. The said certificate of candidate along with others, was issued from Tahsildar office, Kerameri only. There is no doubt about it.
- With regard to remarks of the RDO Utnoor, the team has enquired on 14.03.2018 at Babapur (non-notified) village, Asifabad Mandal. The village elders and "Rathod" surname family have stated that in Babapur village, "Badavath", "Banoth" and "Jatot" surname families were migrated from Kosara (non-notified) village and "Rathod" surname family migrated from Anjanapuram village of Garla Mandal, erstwhile Khammam District.
- In Babapur village, only two Rathod surname families residing from (30) years i.e. Rathod Ramudu sons (i) Rathod Shankar (ii) Rathod Badhya. It is clear that applicant's family is nowhere related to Babapur (non-notified) village families of Asifabad Mandal.
- These are facts established during local enquiry and also on examination of documents produced by the applicant in support of his claim.
- Therefore, it is established that the ancestors of the applicant are residents of agency villages of Adilabad erstwhile district prior to 1950 and the Local ST certificate issued to the applicant Sri Rathod Ramesh S/o Dudram R/o Temlaguda (Somlaguda) village of Kerameri Mandal by the Tahsildar, Kerameri is found correct and genuine one.

- Accordingly, the Revenue Divisional Officer, Asifabad vide his Letter Rc.No.K/287/2017, dated 7.4.2018 submitted report to the District Collector, Kumuram Bheem Asifabad in respect of (11) cases referred to him, wherein against name of appellant at Sl.No.9 reported as "The candidate belongs to Agency Area and the certificate issued by Tahsildar, Kerameri is found correct & genuine".
- Basing on the above report, the Collector & District Magistrate, Kumuram Bheem Asifabad has submitted report to the Government vide Letter Rc.No.C2/379/2016, dated 30.4.2018 stating at Sl.No.3 "Rathod Ramesh S/o Dudram R/o Temlaguda vg of Kerameri Mandal – The Local Scheduled Tribe Certificate issued is found genuine" and requested the Government for passing suitable orders in the matter. The Collector & District Magistrate, Kumuram Bheem Asifabad vide his Letter Rc.No.C2/379/2016, dated 18.7.2018 has again requested the Government to issue suitable orders on the Appeal petitions of the (11) candidates of his district as the Government is the competent authority to dispose them.
- In reply, the Government vide Memo.No.8949/TW.LTR/2016, dated 14.09.2018 has instructed the Collector & District Magistrate, Kumuram Bheem Asifabad to take further action as per the instructions (in respect of all the (11) local ST candidates including the appellant whose cases are found genuine) already issued vide Govt.Memo.No.8949/ TW.LTR/2016, dated 4.7.2018.
- Accordingly, the Collector & District Magistrate, Kumuram Bheem Asifabad has referred their cases to the District Educational Officer, Adilabad vide Lr.Rc.No.C2/379/2016-2, dated 17.01.2019 along with the enquiry reports furnished by the Enquiry Committee on genuineness of the Local ST Certificates in respect of 1) Banoth Gopal S/o Bikku R/o Goriyaguda village of Kerameri Mandal and 2) Rathod Santhosh Kumar S/o Aliya R/o Anarpally village of Kerameri Mandal and 3) the appellant herein Sri Rathod Ramesh S/o Dudram R/o Temlaguda H/o Devapur village in Kerameri Mandal, to take further necessary action in the matter. In the said letter, the District Collector, Kumuram Bheem Asifabad has clearly mentioned that the Secretary to Government, Tribal Welfare Department, Government of Telangana instructed to follow instructions of the Government issued in Govt. Memo. No.8949/TW.LTR/ 2016, dated 04.07.2018 wherein it was stated that as the Local Scheduled Area Tribe Certificates were found genuine as per the re-enquiry conducted by the Enquiry Committee. As per the Government instructions, since the certificates are found genuine by the enquiry Committee, no further orders are required from the Government. But, the District Educational Officer, Adilabad instead of issuing them appointment orders, has again referred his case to the Project Officer, ITDA Uttnoor vide his Letter Rc.No.B7/B2/12875/2012, dated 6.3.2019 for verification as per GO Ms.No.24, dated 12.6.2018. The Project Officer, ITDA Uttnoor has enquired into and decided his case as not genuine and communicated to the District Collector, Kumuram Bheem Asifabad vide Letter Rc.No.T1/91/2019, dated -12-2019. In turn, the District Collector, Kumuram Bheem Asifabad vide his Letter Rc.No.C2/ 1141/2019, dated .12-2019 has requested the District Collector & Chairman, DSC 2008, Adilabad to take necessary action.
- Finally, the District Educational Officer, Adilabad has issued speaking orders through Procs.Rc.No.B2/ 12875/2009-2, dated 19.12.2019 that in view of DLSC enquiry findings of Project Officer, ITDA Uttnoor that the Local ST certificate is not genuine, the appellant plea to

consider for the post of School Assistant pursuant to selection to DSC 2008 duly taking into account the proceedings issued by the Revenue Officer, Adilabad dated 7.4.2018, is not feasible under mandatory rules.

3. The plea of the appellant that when once the Collector & District Magistrate, Adilabad has issued orders in Procgs.No.C3/5044/2010-10, dated 09.04.2012 cancelling his Agency Area Local ST certificate bearing No.E/225/2002-9, dated 25.5.2002 issued by the Tahsildar, Kerameri, the Appeal filed by the appellant before the Government has been remitted back to the Collector & District Magistrate, Adilabad for re-enquiry by constituting team headed by Revenue Divisional Officer and Tahsildar concerned and with two officials of TCR&TI deputed from the O/o Commissioner (TW). Accordingly, the Committee after causing discrete enquiries both documentary and at field level, confirmed genuineness of his Local ST certificate as genuine which fact has been reported to the Government by the District Collector through the letters Rc.No.C2/379/2016, dated 30.4.2018 and 18.7.2018, but now rejecting the case basing on another enquiry report of Project Officer, ITDA Utnoor as requested by the DEO Adilabad/Dist. Collector, Adilabad, is not proper and unjust. In support of the claim, the appellant has submitted all relevant documentary evidences.

4. The appellant has submitted that Government in a similar case i.e. in case of Smt.Jadhav Nirmala D/o.Tukaram R/o.Ashepally (v) of Jainoor Mandal have issued orders in GO.Ms.No.16, dated 18.6.2022 of Tribal Welfare (LTR) Department declaring her as agency area local ST candidate of Ashepally village in Jainoor Mandal and also treated her Local ST certificate issued by the Tahsildar, Jainoor, as genuine and valid. Therefore, the Appellant Sri Rathod Ramesh has prayed to consider and allow his Appeal.

5. In the reference 3rd read above, the Collector & District Magistrate, Kumuram Bheem Asifabad District and the Project officer, ITDA, Utnoor have been requested to submit connected records documents pertaining to the case along with para-wise remarks.

6. In the reference 4th read above, a Notice has been sent to the Appellant to attend for hearing on 22.10.2022 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 22.10.2022.

7. During hearing on 22.10.2022, the Appellant has submitted the copy of the judgement delivered by the Hon'ble High Court for the State of Telangana at Hyderabad in Writ Petition No.600 of 2021 on 19.9.2022. The operative part of the judgement is as follows:

"6. Having regard to the rival contentions and the material on record, it is noticed that the petitioners had applied for and were found successful in the written examination conducted for DSC 2008. The only reason as to why they were not appointed was that the Revenue Divisional Officer had cancelled the caste certificates of the petitioners. Subsequently, after enquiry, the certificates were found to be genuine by the Government. The reason for the delay in rendering decision by the Government in the year 2018 is not attributable to the petitioners, particularly G.O.Ms.No.24 since it was issued in the year 2018 and when this Court had directed the respondents to consider and appoint the petitioners in accordance with the certificates issued by the Government, the District Collector could not have given any directions to order re-enquire into the matter in terms of G.O.Ms.No.24. The case of the petitioners has to be considered as per the extant rules of DSC 2008 and since the certificates of the petitioners were found to be genuine in terms of the rules prior to G.O.Ms.No.24, the case of the petitioners ought to have been considered for appointment.

7. In view thereof, this Court directs the respondents to consider and appoint the petitioners to the post of School Assistants in the light of the certificates found to be genuine by the Government in the year 2018 and appoint them and confer benefits to them on par with the candidates who have been appointed pursuant to DSC 2008 with all consequential benefits such as seniority but without emoluments.

8. The Writ Petition is accordingly allowed. No order as to costs.

9. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed."

8. Upon perusal of the documentary evidences available on record i.e. findings of the team constituted by the Revenue Divisional Officer, Adilabad, Tahsildar, Kerameri and officials of TCR & TI, Hyderabad, reports of District Collector, Kumuram Bheem Asifabad addressed to the Government in Tribal Welfare Department vide letters dated 30.4.2018 & 18.7.2018, instructions of the Government issued in Memos dated 4.7.2018 & 14.9.2018, orders of the Government issued in GO Ms.No.16, dated 18.6.2022 of TW (LTR) Department and having due regard to the judgement delivered by the Hon'ble High Court for the State of Telangana in WP No.600 of 2021, dt.19.9.2022.

9. Government after careful examination of the matter, hereby allow the Appeal filed by the Appellant Sri Rathod Ramesh S/o Dudram R/o Temlaguda H/o.Devapur agency village in Kerameri Mandal of Kumurum Bheem Asifabad District treating his Agency Area Local ST Certificate issued by the Tahsildar, Kerameri Mandal as genuine and valid duly setting aside proceedings/orders in the following references:

- i) Cancellation orders issued by the District Collector, Adilabad in Procs.No.C3/5044/2010-10, dated 09.04.2012.
- ii) Letter Rc.No.B7/B2/12875/2012, dated 6.3.2019 of District Educational Officer, Adilabad addressed to the Project Officer, ITDA Utnoor.
- iii) Letter Rc.No.T1/91/2019, dated -12-2019 of Project Officer, ITDA Utnoor.
- iv) Letter Rc.No.C2/1141/2019, dated -12-2019 of Collector, Kumuram Bheem Asifabad addressed to the District Collector & Chairman, DSC-2008, Adilabad.
- v) Proceedings Rc.No.B7/12875/2009-2, dated 19.12.2019 of District Educational Officer, Adilabad.

The Collector and District Magistrate, Adilabad and Kumuram Bheem Asifabad Districts shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Kumuram Bheem Asifabad District
(By RPAD)

The Collector and District Magistrate, Adilabad District (By RPAD)
Sri Rathod Ramesh S/o.Dudram R/o.Temlaguda, H/o.Devapur, Kerameri Mandal,
Kumuram Bheem Asifabad District (By RPAD)

Copy to:-

The Project Officer, ITDA, Utnoor, Adilabad District. (By RPAD)
(for information & necessary action)

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The District Educational Officer, Adilabad District. (By RPAD).
(for information & necessary action)

The District Educational Officer, Kumuram Bheem Asifabad District. (By RPAD).
(for information & necessary action)

The School Education Department, Dr.B.R.Ambedkar Telangana State
Secretariat, Hyderabad.

The Commissioner and Director of School Education,
Telangana State, Hyderabad.

The District Tribal Development Officer (TW),
Kumuram Bheem Asifabad District (By RPAD)

The Tahsildar, Kerameri Mandal, Kumuram Bheem Asifabad District (By RPAD)

The P.S. to Hon'ble Minister for ST Welfare.

The PA to Secretary (TW).

The PA to Special Secretary (TW).

Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.